

WARRICK COUNTY COMMISSIONERS ORDINANCE NO. 2021 - 01

AN ORDINANCE TO AMEND ARTICLE IIIA PROCEDURES FOR SUBMISSION OF "MAJOR" SUBDIVISIONS
SECTION 13 PROOF OF FINANCIAL RESPONSIBILITY SUBSECTION 4(a) OF THE SUBDIVISION CONTROL
ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA, as follows
to wit:

Section 1. That Article IIIA Section 13 Subsection 4(a) be amended to read as follow:

(4) (a)

In the event that surety is required, which shall be in the form of an Irrevocable Letter of Credit or
Cashier's Check, the time for each shall be as follows:

STREETS AND DRAINAGE:

1. First submittal: Shall be a minimum of one (1) year and maximum of two (2) years. If a
Cashier's Check is used, it shall be deposited into an escrow account with the Warrick
County Auditor.
 2. Second submittal: If the improvements have not been completed; the subdivider may have
their engineer submit a certified report of percentage of street and drainage completion yet
to be finished and the dollar amount required to complete the work. This submittal must be
made to the Area Plan Commission office a minimum of thirty (30) days prior to the
expiration date of the one (1) or two (2) year expiration time line. The County Highway
Engineer shall make an inspection to verify said Engineer's certification. Once the County
Engineer gives his written approval, the subdivider may submit a new Letter of Credit a
minimum of ten (10) days prior to the expiration date of the one being replaced. The new
Letter of Credit shall not exceed a time period of one (1) year. In the case of a Cashier's
Check, a claim shall be submitted to the County Auditor for the reduced dollar amount with
the remainder needed for the completion to remain in the escrow account. The time period
for this shall not exceed one (1) year.
 3. Third submittal: At the discretion of the Warrick County Board of Commissioners, an
extension of one (1) additional year may be granted upon a written request which shall be
submitted to the Area Plan Commission office a minimum of thirty (30) days prior to the
expiration date of the current surety in place. This request must be placed on the Agenda of
the Warrick County Commissioners.
 4. Fourth submittal: In the event the subdivider can demonstrate that due to some unforeseen
circumstance or hardship beyond his or her control and not self-created, they may request a
second and final extension to be granted by the Warrick County Board of Commissioners if
Improvement Location Permits have been issued for less than 75 percent (75%) of the
subdivision lots. At the discretion of the Warrick County Board of Commissioners, they may
grant the extension for such period of time they deem adequate, however, not less than one
(1) year and not to exceed two (2) years.
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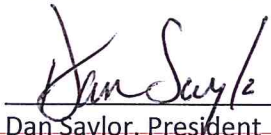
SIDEWALKS:

1. First submittal: Shall be for a minimum of one (1) year and a maximum of five (5) years. In the case that the subdivider has existing Letters of Credit for sidewalks on sections of the same subdivision, the subdivider may have the expiration date of less or more time than the time allowed to be the same expiration date of other Letters of Credit being held on that development. This will not shorten or lengthen the time period allowed to complete the improvements.
2. Second submittal: If the improvements have not been completed; the subdivider may have his engineer submit a certified report of percentage of sidewalk completion yet to be finished and the dollar amount required to complete the work. This submittal must be made to the Area Plan Commission office a minimum of thirty (30) days prior to the expiration date of the existing Letters of Credit or date Cashier's Check was submitted. The County Highway Engineer shall make an inspection to verify said Engineer's certification. Once the County Highway Engineer gives his written approval, the subdivider may submit a new Letter of credit a minimum of ten (10) days prior to the expiration date of the one being replaced. The new Letter of Credit shall not exceed a time period of one (1) year. In the case of a Cashier's Check, a claim shall be submitted to the County Auditor for the reduced dollar amount with the remainder needed for the completion to remain in the escrow account. The time period shall not exceed one (1) year.
3. Third submittal: At the discretion of the Warrick County Board of Commissioners, they may grant an extension of one (1) additional year upon written request of the subdivider and provided he or she follows the previously mentioned procedure for submittal by the subdividers Engineer and agreed upon by the County Highway Engineer. This request must be placed on the Agenda of the Warrick County Commissioners.
4. Fourth submittal: In the event the subdivider can demonstrate that due to some unforeseen circumstance or hardship beyond their control and not self-created, they may request a second and final extension to be granted by the Warrick County Board of Commissioners. If Improvement Locations Permits have been issued for less than seventy-five percent (75%) of the subdivision lots, at least one (1) side of each street must be installed for pedestrian safety and convenience by this time. This is to be certified to by their Engineer and verified by the County Highway Engineer.

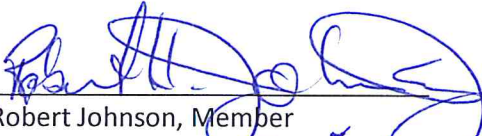
There shall be no reduction in the dollar amount of any surety during it's term.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners for Warrick County, State of Indiana.


Approved this 11 day of January, 2021.



Dan Saylor, President

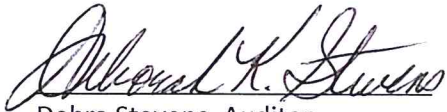


Robert Johnson, Member



Terry Phillippe, Member

ATTEST:



Debra Stevens, Auditor

Public Hearing held by Plan Commission December 14, 2020.